

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRUSTEES of the CHICAGO REGIONAL)	
COUNCIL OF CARPENTERS PENSION FUND,)	
CHICAGO REGIONAL COUNCIL OF)	
CARPENTERS WELFARE FUND, and CHICAGO)	
REGIONAL COUNCIL OF CARPENTERS)	
APPRENTICE & TRAINEE PROGRAM FUND,)	
)	Case No. 10 C 6495
Plaintiffs,)	
)	Judge Kennelly
v.)	
)	
LIBERTY FLOORS, INC.,)	
)	
Defendant.)	

MOTION FOR ENTRY OF FINAL JUDGMENT

Plaintiffs, by its attorney, David P. Lichtman, pursuant to Fed. R. Civ. P. 55, and following this Court's April 18, 2011 Order of Default, respectfully move for the entry of final judgment against Liberty Floors, Inc., in the amount of \$65,189.96. In support of this Motion the Plaintiffs state as follows:

1. Plaintiffs filed their complaint on September 24, 2009 seeking delinquent ERISA fringe benefit contribution reports and concurrent payments.
2. The Defendant failed to appear, answer or otherwise plead.
3. On April 18, 2011, this Court issued an Order of Default against Defendant, whereby Defendant was required to submit all delinquent reports and contributions for the period August 2010 through the present within ten days. The Court retained jurisdiction to enter a final judgment for the contributions, dues checkoff, interest, liquidated damages and attorney's fees pursuant. **(Exhibit A, Order of Default)**
4. Since service of the Order of Default upon the Defendant, it has submitted the monthly contribution reports but failed to submit the ERISA contributions shown to be owed in the amount of \$64,971.05 for the months of August 2010 through March 2011. The Defendant also failed to remit the union dues it withheld from the employees' wages. The amount of dues

withheld is \$4,203.58 for the same period. **(Exhibit B Affidavit of John Libby)**

5. The Defendant owes interest on the unpaid ERISA contributions in the amount of \$ 781.49 pursuant to the Trust Agreements and 29 U.S.C. §1132(g)(2)(B). **(Exhibit B)**

6. The Defendant owes liquidated damages on the unpaid ERISA contributions in the amount of \$5,568.84 for the period August 2011 through March 2011 pursuant to the Collective Bargaining Agreements, the Trust Agreements and 29 U.S.C. §1132(g)(2)(C)(iii). **(Exhibit B)**

7. The Defendant owes the sum of \$3,640.00 for necessary and reasonable attorney fees and costs of \$405.00 which are collectible under the terms of the Collective Bargaining Agreement, the Trust Agreements and 29 U.S.C. §1132(g)(2)(D). **(Exhibit C Affidavit of David P. Lichtman)**

WHEREFORE, Plaintiffs pray that their motion for entry of final judgment be granted in the amount of \$65,189.96.

A proposed Judgment Order is attached hereto as **Exhibit D**.

Respectfully submitted,

/s/ David P. Lichtman
Attorney for the Plaintiffs

David P. Lichtman
Attorney No. 6290051
Whitfield McGann & Ketterman
111 E. Wacker Drive
Suite 2600
Chicago, IL 60601
(312) 251-9700 Fax (312) 251-9701